

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Attorney Docket № 14221US02)**

In the Application of:

Mohan Kalkunte, et al.

Serial No. 10/648,573

Filed: August 26, 2003

For: METHOD AND SYSTEM FOR
HANDLING TRAFFIC FOR
SERVER SYSTEMS

Examiner: Saket K. Daftuar

Group Art Unit: 2451

Confirmation No. 4096

Electronically Filed on 27-APR-2010

REPLY BRIEF

MS: APPEAL BRIEF-PATENTS
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 41.41, the Appellant submits this Reply Brief in response to the Examiner's Answer mailed on March 10, 2010. Claims 1-30 are pending in the present Application. The Appellant has responded to the Examiner in the Examiner's Answer, as found in the following Argument section.

As may be verified in his final Office Action (page 4), dated June 25, 2007 ("Final Office Action"), claims 1-30 stand rejection under 35 U.S.C. § 102(e) as being

anticipated by U.S. Patent No. 7,032,037, issued to Garnett, et al. (hereinafter, Garnett). See the Final Office Action at page 5. To aid the Board in identifying corresponding arguments, the Appellant has used the same headings in the Argument section of this Reply Brief as the headings found in the Appellant's corresponding Brief on Appeal. The Brief on Appeal has a date of deposit of February 8, 2008 and was amended on December 30, 2009 and January 6, 2009.

STATUS OF THE CLAIMS

Claims 1-30 were finally rejected. Pending claims 1-30 are the subject of this appeal.

ARGUMENT

I. Garnett Does Not Anticipate Claims 1-30

A1. Rejection of Independent Claims 1, 11, and 21

The Appellant stands by the argument made in the corresponding section of the Brief on Appeal.

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 6-7 of the Examiner's Answer:

a. Garnett failed to disclose determining at least one data-processing function associated with said at least one received packet, based on said at least one received packet.

In response to appellant argument a), examiner would like to point out that Garnett cited prior art is directed to a "Server blade for performing load balancing functions" (see Title) where Garnett discloses:

"A modular computer system may be provided. The modular computer system may comprise a carrier operable removably to receive a plurality of computer system modules therein. A plurality of information processing modules can be removably received in the carrier, each module may have a communications port operable to connect to a communications network internal to the carrier. The modular computer system may also comprise a switch operable to connect to the internal communications network to distribute information messages between the modules and to connect to an external communications network. An information distribution module may be provided removably received in the carrier operable connect to the internal communications network to receive an information message, to perform processing on the message to determine a destination, and to forward the message toward the determined destination via the internal communications network." (See Abstract)

As such Garnett is also directed to perform processing on the message to determine a destination and to forward the message toward the determined destination via the internal communication network and such message processing and forwarding in internal communication network performs server communications between one or more servers and/or between clients computer and vice versa. Such processing servers

provides an efficient mechanism to manage workload distribution management by performing efficient load balancing to server systems where more than one server is utilized.

"Workload distribution management (load balancing) provides operational efficiency benefits to server systems where more than one server is utilised. Load balancing is the process of distributing new connections to a group of servers between those servers in a controlled fashion. By means of such controlled distribution of new connections, the speed of service experienced by a requesting computer can be increased." **(see column 31, line 63 - column 32, line 3)**

(Emphasis added by Examiner). In reference to the above bolded/underlined citation from Garnett's abstract, the Appellant points out that the mentioned "processing on the message to determine a destination" is performed in Garnett by the load balancer as part of the load balancing process. More specifically, **the load balancer (e.g., 501 in Fig. 21A) reads the packet header information, which includes the *IP destination address and destination port*. The load balancer then performs a look-up process *using a look-up table* to determine whether the received packet belongs to an already established session or flow. (See Garnett at col. 35, lines 23-39). In this regard, Garnett's "processing on the message to determine a destination" is performed based on the IP destination address and an associated look-up table entry. As explained in the Brief on Appeal (pages 6-11), Garnett does not disclose packet processing based on a data-processing function associated with a received packet. The above citation from Garnett's abstract does not overcome this deficiency.**

In response to Appellant's Brief on Appeal, the Examiner is using the following argument stated on pages 7-8 of the Examiner's Answer:

In addition, Garnett also discloses:

"Computer systems require management in many different ways, for example, load distribution, access control, secure transaction management and many other functions which may be performed with greatest reliability and/or speed by dedicated hardware. That is not to say that such functions may not be performed by a standard processing cartridge 43 programmed using appropriate application software, merely that specialist hardware (in the form of a non-standard processing cartridge) may provide reliability, performance and/or cost benefits." [Column 31, lines 53-62].

It is clear that Garnett is referring to computer systems management in many different ways and **such functions include load distribution, access control, and secure transaction management and many others with greatest reliability and/or speed.** The person skilled in the art would know all such functions are related to data-processing, data management, and data access control as all of them requires reliable, fast, secure data processing or data management by dedicated computer hardware.

(Emphasis added by Examiner). The Appellant fails to see the relevance of the above citation from col. 31, lines 53-62 of Garnett for purposes of overcoming the deficiencies of Garnet, namely, Garnett does not disclose packet processing based on a data-processing function associated with a received packet.

Garnett, at col. 31, lines 49-62, merely reasons that "specialist hardware" can be used in instances when the standard processing cartridges 43 may not always provide an optimum performance situation. In other words, Garnett reasons that dedicated hardware may perform functions "with greatest reliability and/or speed." **The issue**

here is not whether functions (as load distribution, access control, and secure transaction management) are related to data-processing, data management, and data access control. The issue is also not whether such functions “require reliable, fast, secure data processing or data management by dedicated computer hardware”. Instead, the issue at hand is whether or not Garnett discloses packet processing based on a data-processing function associated with a received packet. More specifically, the Examiner has not provided any explanation on how exactly Garnett’s load balancing is a data processing function. As explained in the Brief on Appeal (pages 6-11), Garnett’s load balancing is not a data processing function, and Garnett does not disclose packet processing based on a data-processing function associated with a received packet.

In reference to the remaining citations of the Examiner’s Answer, the Appellant notes that the Examiner has extensively cited portions of Garnett (including numerous figure inserts). However, such citations, and their deficiencies, were address by the Appellant in pages 6-11 of the Brief on Appeal.

As additional comment, the Appellant notes that the Examiner’s Answer has not addressed all of the remaining arguments stated in pages 11-18 of the Brief on Appeal.

CONCLUSION

The Appellant submits that the pending claims are allowable in all respects. Reversal of the Examiner's rejections for all the pending claims and issuance of a patent on the Application are therefore requested from the Board.

The Commissioner is hereby authorized to charge additional fee(s) or credit overpayment(s) to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: 27-APR-2010

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